

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In Re the Matter of

DAVID L. TITUS,

Amateur Radio Operator and Licensee of
Amateur Radio Station KB7ILD.

EB Docket No. 07-13

FRN No. 0002074797

File No. EB-06-IH-5048

DAVID TITUS' SPECIFIC OBJECTIONS
AND ANSWERS TO THE BUREAU'S FIRST
INTERROGATORIES

GENERAL OBJECTIONS

1. Mr. Titus objects to the definition of the terms "relate to" and "relating to" contained in the Instructions insofar as they purport to mean that these interrogatories seek information which is protected from discovery under the attorney-client privilege and work product doctrine, as well as information which is not reasonably calculated to lead to the discovery of relevant or admissible evidence.

2. Mr. Titus objects to these interrogatories insofar as they request information which is confidential and sensitive. Mr. Titus offers to enter into a mutually agreed upon protective order that will allow such information to be produced in a manner which

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pects their confidentiality.

Mr. Titus objects to these interrogatories insofar as they are unduly burdensome and designed merely to harass or burden him into spending undue time and expense in answering them. It appears that the Enforcement Bureau is using its discovery as a mechanism to shift the burden of proof it bears onto Mr. Titus, and to buttress after the fact a conclusory and thinly-supported request for an order show cause.

Each and every one of Mr. Titus' answers will be made without waiver of, and subject to, these General Objections, and as if these General Objections has been restated herein.

ANSWERS TO INTERROGATORIES

Answer to Interrogatory No. 1:

- Mr. Titus passed the GED at age 16. Mr. Titus has taken some classes at Washington-area community colleges. During times of incarceration Mr. Titus has taken college level classes in the course of sex offender treatment.
- Mr. Titus also took a summer course in electronics at a local vocational school during his teen years. Mr. Titus has also taken other computer-related classes through his past employers. Mr. Titus has self-taught other skills and abilities.

Answer to Interrogatory No. 2:

Mr. Titus objects to this interrogatory as unduly burdensome, harassing and not reasonably calculated to lead to the discovery of relevant or admissible evidence. Mr. Titus' work history has no reasonable relationship to the FCC's claims against him

1 unless he chooses to bring forth employment related witnesses to rebut the FCC's
2 allegations. Revelation to employers, particularly current ones, about the reasons for the
3 FCC's actions against him also jeopardizes Mr. Titus' continued employment in
4 Washington. which is an employment-at-will state. Without waiving his objections, Mr.
5 Titus further answers as follows:

- 6 • Before January 1, 1997, until approximately October 2002 – Mr. Titus worked at
7 Microsoft (both as a contract-type employee & full-time employee). Mr. Titus
8 held the positions of Administrative/Group Assistant (first positions), Software
9 Test Engineer & Lab Manager. Responsibilities were mostly managing computer
10 labs, maintaining lab hardware and equipment, testing software, writing scripts
11 and troubleshooting hardware, software and network related issues. Mr. Titus
12 had various supervisors, and will supplement this answer with the names of those
13 supervisors he is able to recall to revealing their names and positions does not
14 conflict with company policies.
- 15 • November 2000 to August 2002 – Unemployed.
- 16 • August 2004 until approximately August 2006 – Mr. Titus was the Office
17 Manager to Dr. William C. Kenner, DDS, 1800 SW 152nd, Seattle, WA 98166,
18 telephone (206)248-1339. Duties include, but were not limited to, managing the
19 office practice environment.
- 20 • August 2006 to present – See objection.

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1 **Answer to Interrogatory No. 3:**

2 None.

3 **Answer to Interrogatory No. 4:**

- 4
- 5 • Mr. Titus was convicted of Communication With a Minor For Immoral Purposes
6 in Benton County, Kennewick, Washington on March 12, 1993, under Case No.
7 93-1-00035-2. Mr. Titus was sentenced to 22-29 months (not years as the
8 “Judgment and Sentence” order incorrectly states). After 25 months
9 confinement, Mr. Titus completed 24 months of probation as required.
 - 10 • Mr. Titus does not have any current court-ordered obligations. Mr. Titus does
11 have to register as a “sex offender” as required by law.
 - 12 • Mr. Titus has not (before the Enforcement Bureau’s “Order to Show Cause”)
13 disclosed his conviction adjudications to the FCC. Mr. Titus was not aware that
14 he had an obligation to disclose his conviction adjudications to the FCC.
 - 15 • Prior to Mr. Titus’ felony conviction as an adult (when Mr. Titus was 18 years
16 old), Mr. Titus had two juvenile court adjudications in Benton County,
17 Washington. Mr. Titus has no documents in his possession regarding such
18 adjudications.
19
20

21 **Answer to Interrogatory No. 5:**

22 Mr. Titus became a FCC commission licensee on or around August 14, 1989. The FCC
23 should have this information on record
24

25 **Answer to Interrogatory No. 6:**

- Mr. Titus currently holds one FCC license: Amateur Radio license KB7ILD.
 - Mr. Titus has previously held a GMRS license but does not recall the call sign
- The FCC should have this information on record.

Answer to Interrogatory No. 7:

See Answer to Interrogatory No. 6.

Answer to Interrogatory No. 8:

No.

Answer to Interrogatory No. 9:

- Mr. Titus is a current ARRL member since approximately August 1989 (and has been active with the ARRL's ARES program in the past).
- Mr. Titus started (with Todd Buiten, WK7L) MicroHAMS amateur radio club and was Vice President from the time in which Mr. Titus created the club until the time in which Mr. Titus left the club in October 2002. Todd Buiten WK7L was President. Mr. Titus does not recall the exact date in which the club was formed.
- Mr. Titus is a current & active member of the NWAPRS group. David Dobbins, K7GPS, is the group leader. Mr. Titus has been with NWAPRS group for many years and does not recall the date in which he became an active participant of the group
- Mr. Titus may have been involved in other amateur radio clubs and/or organizations other than in which have been stated but does not recall any of the

1 specifics at this time.

2 **inswer to Interrogatory No. 10:**

3 Mr. Titus objects to this interrogatory as unduly burdensome in terms of the degree of
4 detail it expects and the research it purports to require Mr. Titus to undertake. Without
5 waiving his objections, Mr. Titus further answers in a reasonable degree of detail as
6 follows:
7

- 8 • Mr. Titus has been involved in most aspects on the amateur radio hobby
9 including but not limited to HF/VHF/UHF voice and digital-mode
10 communications to include: APRS, contesting, CW, QRP, and “Direction
11 Finding” to name a few.
12
- 13 • Mr. Titus provides an open amateur radio repeater system/service to local and
14 visiting amateur radio operators for fun, fellowship, technical advancement,
15 volunteer communications for events, emergency communications and
16 furtherance of the amateur radio hobby to name a few.
17
- 18 • Mr. Titus has an understanding with a local government agency for its use of Mr.
19 Titus’ repeater system as a backup communications system in time of need and/or
20 emergency.

21 **inswer to Interrogatory No. 11:**

22 None.

23 **inswer to Interrogatory No. 12:**

24 Mr. Titus objects to this interrogatory as unduly burdensome, harassing, an intrusion
25

1 into Mr. Titus' right to privacy and not reasonably calculated to lead to the discovery of
2 relevant or admissible evidence. Without waiving his objections. Mr. Titus further
3 answers as follows:

- 4 • Mr. Titus has communicated with hundreds of people on-the-air. Within that
5 sphere, Mr. Titus would be surprised if he had not spoken to any other amateur
6 radio operators who may have been under the age of 18 since 1997. Mr. Titus
7 will supplement this answer upon determining if there are any of Mr. Titus'
8 friends who are now adults and were under 18 when they met on-the-air
9

10 **Answer to Interrogatory No. 13:**

11 Mr. Titus objects to this interrogatory as premature. This case has just been initiated,
12 and the Enforcement Bureau has not provided any information regarding the basis upon
13 which they intend to attack Mr. Titus' character. Without waiving his objections, Mr.
14 Titus further answers as follows:
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16 Mr. Titus will supplement this answer and provide the names and address of any
17 persons in which Mr. Titus intends to rely on as a reference in support of his
18 character once those persons have been identified.
19

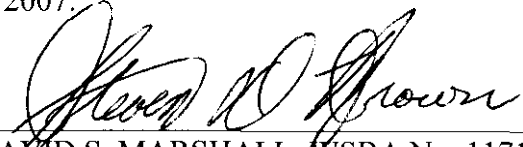
20 **Answer to Interrogatory No. 14:**

21 Mr. Titus objects to this interrogatory as premature. This case has just been initiated,
22 and the Enforcement Bureau has not provided any information regarding the basis upon
23 which they intend to attack Mr. Titus' character. Mr. Titus further objects to this
24 interrogatory as unduly burdensome insofar as it purports to require him to set forth his
25

1 full case in this answer. Without waiving his objections, Mr. Titus further answers as
2 follows:

3 Mr. Titus has been rehabilitated. Mr. Titus has no criminal convictions in the last
4 14 years. Mr. Titus' criminal-related issues were in his teen years and younger
5 only.

6 DATED this 3rd day of April, 2007.

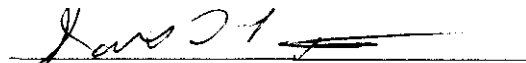
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9 DAVID S. MARSHALL, WSBA No. 11716

10 STEVEN D. BROWN, WSBA #11759

11 Attorneys for David L. Titus

12 , DAVID L. TITUS, certify that the foregoing interrogatory answers are true and correct

13
14 
15 DAVID L. TITUS

16 4/3/07
17 Date

18 Signed at Seattle, Washington.

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